IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9345 OF 2004

Susheela Ramchandra Dhane .. Petitioner.
Vs.
Kundabai Jaising Kale .. Respondent.

Mr.Girish S.Godbole for the petitioner.

CORAM : D.B.BHOSALE, J.

DATED : 20TH DECEMBER, 2004

P.C.:

. Heard Mr.Godbole, learned counsel for the petitioner.

2. Mr.Godbole, learned counsel for the petitioner, on instructions, submits that he has instructions not to press this petition against the order dated 3.9.2004 passed below Exhibit-33 in Regular Civil Suit No.221 of 2004. In so far as order dated 16.9.2004 passed below Exhibits 17 and 30 are concerned, Mr.Godbole submits that the applications Exhibits 17 and 30 filed by the petitioner, were premature and, therefore, the petitioner may be allowed to withdraw those applications with liberty to the petitioner to file application seeking issuance of witness summons as prayed in Exhibit-17 at an appropriate stage.

Having regard to the submissions made by Mr.Godbole, in my opinion, the following order would meet the ends of justice:

(i) The writ petition is dismissed as not pressed against the order dated 3.9.2004 passed below Exhibit-33 in Regular Civil Suit No.221 of 2004.

(ii) The petitioner is allowed to withdraw applications Exhibits 17 and 30 with liberty to the petitioner to file a fresh application seeking issuance of witness summons at appropriate stage. It is open for the respondent to raise objections to such application, if filed. The learned Judge shall deal with an application, if any, filed by the petitioner seeking issuance of witness summons in accordance with law. All contentions on merits are left open.

. The petition is disposed of.

(D.B.Bhosale, J.)